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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN FRANCISCO DIVISION

19 UNITED STATES OF AMERICA,) Case No.: 3:20-CR-00371-WHA
20 Plaintiff,) Date Filed: 10/01/2020
21 v.) Date Terminated: 01/04/2021
22 ROBERT T. BROCKMAN,)
23 Defendant.)

24 UNITED STATES OF AMERICA,) Case No. 3:21-CR-00155-JD
25 Plaintiff,) Date Filed: 04/15/2021
26 v.) NOTICE OF RELATED CASE IN A CRIMINAL
27 CARLOS E. KEPKE,) ACTION
28 Defendant.)

29 The United States of America, pursuant to Local Criminal Rule 8-1, hereby notifies the Court
30 that the two above-captioned criminal cases are related.

1 The Indictment in *United States v. Robert T. Brockman*, Case No. 3:20-cr-00371-WHA (N.D.
 2 Cal.), was returned on October 1, 2020, and alleged, among other things, that Brockman engaged in a
 3 long-term conspiracy in which he used a complex network of offshore entities, nominees, and secret
 4 foreign bank accounts to conceal from the U.S. government income he earned through investments in
 5 private equity funds managed by Vista Equity Partners. Judge Alsup issued an order transferring that
 6 case in its entirety to the Southern District of Texas on January 4, 2020. *See* Case No. 3:20-cr-00371-
 7 WHA, Doc. # 76. The case is now docketed at 4:21-cr-00009 (S.D. Tex.).

8 The Indictment in *United States v. Carlos E. Kepke*, Case No. 3:21-cr-00155-JD (N.D. Cal.) was
 9 returned on April 15, 2021, and alleged, among other things, that Kepke engaged in a long-term
 10 conspiracy in which he and Robert F. Smith used a complex network of offshore entities, nominees, and
 11 secret foreign bank accounts to conceal from the U.S. government income Smith earned through
 12 investments in private equity funds managed by Vista Equity Partners.

13 Although the current Indictment of Kepke does not include any allegations regarding Brockman,
 14 Kepke was involved in creating and maintaining portions of Brockman's offshore structure.
 15 Additionally, the conspiracies alleged in both Indictments used similar methods to avoid tax on income
 16 flowing to two separate investors (Brockman and Smith) from the same private equity funds.

17 Based upon these facts, the cases are arguably related within the meaning of Local Rule 8-
 18 1(b)(1) because they involve the same defendant and the same alleged events, occurrences, transactions,
 19 or property. The cases cannot be assigned to a single judge as contemplated by Local Rule 8-1(c)(4) as
 20 currently venued.

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 22 DATED: April 20, 2021

Respectfully submitted,

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 26 s/ Michael G. Pitman
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